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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,916	04/13/2004	Zvi Bleier	148/08x2DIV	3574
27538	7590	09/21/2004	EXAMINER	
KAPLAN & GILMAN , L.L.P. 900 ROUTE 9 NORTH WOODBIDGE, NJ 07095			SHAFER, RICKY D	
			ART UNIT	PAPER NUMBER
			2872	

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/822,916

Applicant(s)

BLEIER, ZVI

Examiner

Ricky D. Shafer

Art Unit

2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 12-15 is/are rejected.
- 7) ☒ Claim(s) 6-11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>04/13/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 2, 5 and 13-15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The specification, as originally filed, does not provide support for the mounting block(s) being attached to first and second back portions of said mirror panels by an adhesive material, as recited in claims 2 and 5.

The specification, as originally filed, does not provide support for the first and second mirror panels and at least one mounting block being formed of the same material, said material having dimensional stability with respect to changes in temperatures nor said material being one of fused quartz or annealed Pyrex, as recited in claims 13 to 15.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 3, 4 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith, Jr. ('810).

Smith, Jr. discloses a foot pressure reflector having a roof mirror assembly comprising first and second mirror panels (8,11) having first and second reflective surfaces and first and second back portions, respectively, said first and second mirror panels being joined together so that said first and second reflective surfaces are substantially perpendicular to each other; and wherein elements (13 and 14) serve as applicant's at least one mounting block to complete said joining together of said first and second mirror panels into said roof mirror assembly and for mounting said panels onto another structure (2), said at least one mounting block attached to both said first and second back portions of said mirror panels, wherein said back portions inherently extend along said respective mirror panels in orientations that do not meet or intersect with said reflective surfaces (see Fig. 1), wherein said at least one mounting block includes first (13) and second (14) mounting blocks and wherein the horizontal component of element (2) serves as applicant's back plate member. Note Fig. 1 along with the associated description thereof.

5. Claims 1, 3, 4 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Abe ('384).

Abe discloses a device having a roof mirror assembly comprising first and second mirror panels (6,8) having first and second reflective surfaces and first and second back portions, respectively, said first and second mirror panels being joined together so that said first and second reflective surfaces are substantially perpendicular to each other; and at least one mounting block (18) to complete said joining together of said first and second mirror panels into said roof mirror assembly and for mounting said panels onto another structure (17), said at least

Art Unit: 2872

one mounting block attached to both said first and second back portions of said mirror panels, wherein said back portions extend along said respective mirror panels in orientations that do not meet or intersect with said reflective surfaces (see figures 2 to 4), wherein said at least one mounting block includes first (18b) and second (18c) mounting blocks and wherein the horizontal component of element (17) serves as applicant's back plate member. Note figure 2 to 4 along with the associated description thereof.

6. Claims 1, 2 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Bleier ('901).

Bleier discloses a roof mirror assembly comprising first and second mirror panels (55) having first and second reflective surfaces (57) and first and second back portions (58), respectively, said first and second mirror panels being joined together so that said first and second reflective surfaces are substantially perpendicular to each other; and at least one mounting block (25) to complete said joining together of said first and second mirror panels into said roof mirror assembly and for mounting said panels onto another structure (13), said at least one mounting block attached to both said first and second back portions of said mirror panels, wherein said back portions extend along said respective mirror panels in orientations that do not meet or intersect with said reflective surfaces (see figures 2 and 6), wherein said at least one mounting block is attached to said first and second back portions by an adhesive material (73) and wherein the horizontal component of element (13) serves as applicant's back plate member. Note figure 1 to 6 along with the associated description thereof.

7. Claims 1, 3, 4 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Masutani ('363).

Art Unit: 2872

Masutani discloses a roof mirror assembly comprising first and second mirror panels (16a, 16b) having first and second reflective surfaces and first and second back portions, respectively, said first and second mirror panels being joined together so that said first and second reflective surfaces are substantially perpendicular to each other; and at least one mounting block (12, 14) to complete said joining together of said first and second mirror panels into said roof mirror assembly and for mounting said panels onto another structure (2), said at least one mounting block attached to both said first and second back portions of said mirror panels, wherein said back portions extend along said respective mirror panels in orientations that do not meet or intersect with said reflective surfaces (see figures 1 and 23), and wherein the vertical component of element (2) serves as applicant's back plate member. Note figure 1 and 23 along with the associated description thereof.

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith, Jr. ('810).

Smith, Jr. discloses all of the subject matter claimed, note the above explanation, except for explicitly stating that the mounting blocks are attached to the said back portions of said mirror panels by an adhesive material.

It is well to use an adhesive material in the same field of endeavor for the purpose of attaching one element to another element.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

Art Unit: 2872

invention was made to modify the mounting blocks of Smith, Jr. to an adhesive material, as commonly used and employed in the art, in order to secure the mirror panels to their respectively mounting block in order to prevent the mirrors from damage.

10. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Proper antecedent basis for the protruding element and the first and second receiving surfaces thereof.

11. The disclosure is objected to because of the following informalities:

A). On page 1 of the specification, the status of copending application 09/894,207 needs to be updated

B). On page 7, lines 9 and 10 of the specification, “surface 126” should be changed to read --surface 106-- and “surface 136” should be changed to read --surface 116--, respectively.

Appropriate correction is required.

12. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Reference numerals 126 and 136, disclosed on page 7, lines 9 and 10 of the specification, have not been illustrated. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any

Art Unit: 2872

required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

13. Claims 6-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

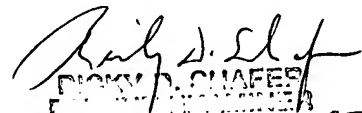
14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ricky D. Shafer whose telephone number is (571) 272-2320.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RDS

September 17, 2004


RICKY D. SHAFER
PATENT EXAMINER
ART UNIT 2872